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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,906	09/18/2006	Dwight Roberts	128527.2000	6048
7590	05/27/2009		EXAMINER	
Tim Headley Gardere Wynne Sewell 1601 Elm Street Suite 3000 Dallas, TX 75201-4761			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/593,906	ROBERTS, DWIGHT
	<b>Examiner</b> Cassandra Davis	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-16 and 22-24 is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) 17-21 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 September 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/06/08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_

#### **DETAILED ACTION**

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fastening means comprising an upstanding lip; the back frame edge comprising a groove integral with the front frame member, the front frame edge comprising a groove, and a placard comprising a locking arm as recited in claims 22-24 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 5, 6, 7, 8, 22-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 22-24 it is unclear from the disclosure and drawings how the front frame member interconnects with the back frame member. It is unclear what structure corresponds to the claimed fastening means for mounting, the upstanding lip, the groove integral with front frame member and a groove symmetrically disposed for co-extensive engagement with the upstanding lip.

In claim 7, it is unclear if the phrase "the member" refers to the planar member recited in claim 1 or the "inner member" recited in claim 7.

***Claim Objections***

5. Claims 5, 6, and 8 are objected to because of the following informalities: the following phrases lack antecedent basis: "the second surface" (claim 5); "the first surface" (claim 6); "the material" (claim 8). Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodfellow, US Patent 6105294.

8. With respect to claims 1, 14 and 13, Goodfellow teaches a card carrying case comprising a placard holder 12 and a substantially planar member 14 forming an opening at 32, wherein the substantially planar member 14 has an out-of-plane bend at 36/42, and wherein the substantially planar member is inside the placard holder. See figures 1 and 2.

9. With respect to claim 2, Goodfellow teaches the out-of-plane bend 36/42 is sufficient so as to act-as a spring.

10. With respect to claims 3 and 5, Goodfellow teaches the substantially planar member 14 engages a first surface 26 of the placard holder and the placard (not shown). The placard is positioned between the front surface of the member 14 and the flanges 20 of the holder 12.

11. With respect to claim 4, Goodfellow teaches the planar member 14 urges the placard against a second surface of the placard holder. See column 3, lines 5-10.
12. With respect to claim 6, Goodfellow teaches the substantially planar member 14 has leaf springs 34 which urge the placard against the first surface 22 of the placard holder. See column 3, lines 1-4.
13. With respect to claim 7, 16, and 15, Goodfellow teaches an inner member 34 affixed to a distal end of the planar member 14 and a stiffening structure 44 affixed to a distal end of the planar member.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodfellow.
16. With respect to claim 8, since the applicant does not disclose that the material in which the system is made solves any stated problem or is for any particular purpose, it appears that constructing the system of any suitable known stiff but resilient material would perform equally well. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the carrying case taught by Goodfellow of any suitable material to provide a removable means to retaining the cards therein.

17. With respect to claim 9, the planar member 14 taught by Goodfellow is a "substantially shaped member".
18. With respect to claim 10, the inner member 34 is a polygon.
19. With respect to claim 11, the inner member 34 and stiffening structure are formed or molded with the planar member 14.
20. With respect to claim 12, the stiffening structure 44 has a bend in its distal end.

See figure 1.

***Allowable Subject Matter***

21. Claims 17-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
22. Claims 22-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cassandra Davis/  
Primary Examiner  
Art Unit 3611

CD